

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NAVIGATOR CAPITAL PARTNERS, L.P., on behalf of	x
itself and all others similarly situated,	:
Plaintiff,	:
- against -	07 Civ. 07783 (AKH) (DFE)
BEAR STEARNS ASSET MANAGEMENT, BEAR,	:
STEARNS SECURITIES CORP., THE BEAR	:
STEARNS COMPANIES INC., BEAR, STEARNS &	:
CO. INC., RALPH CIOFFI, RAYMOND	:
MCGARRIGAL AND MATTHEW TANNIN,	:
Defendants,	:
- and -	:
BEAR STEARNS HIGH-GRADE STRUCTURED	:
CREDIT STRATEGIES, L.P.,	:
Nominal Defendant.	:
	x

## **[PROPOSED] ORDER OF REMAND**

WHEREAS, on August 6, 2007, Plaintiff filed a complaint in the Supreme Court of the State of New York, County of New York, which the Clerk of that Court assigned Index No. 07-602663 (the “Action”);

WHEREAS, on August 31, 2007, Defendants jointly filed with this Court a Notice of Removal of the Action from the Supreme Court of the State of New York, County of New York, to this Court based upon the Securities Litigation Uniform Standards Act of 1998, 15 U.S.C. §§ 77p(c) & 78bb(f)(2), and the Class Action Fairness Act, 28 U.S.C. §§ 1332, 1441 & 1453;

WHEREAS, on September 28, 2007, Plaintiff filed a Motion to Remand the Action to the Supreme Court of the State of New York, County of New York, and Defendants responded; and

WHEREAS, based upon the parties' respective submissions, the Court has determined that the Action was improperly removed;

NOW THEREFORE, IT IS HEREBY ORDERED, that Plaintiff's Motion to Remand is GRANTED, and this Action is remanded to the Supreme Court of the State of New York, County of New York; and

IT IS HEREBY FURTHER ORDERED, that Plaintiff shall recover its costs and attorneys' fees incurred as a result of Defendants' improper Removal of the Action in an amount to be determined.

\_\_\_\_\_, 20\_\_\_\_

SO ORDERED

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U.S.D.J.